

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.



Dated: April 29, 2015

**C. Kathryn Preston
United States Bankruptcy Judge**

**C. Kathryn Preston
United States Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: **CASAUNDRA BOWMAN,** : Case No. 15-50001
Debtor. : Chapter 13
Debtor. : Judge C. Kathryn Preston

**ORDER GRANTING MOTION OF DEBTOR CASAUNDRA BOWMAN
TO AVOID THE JUDICIAL LIEN OF DELL FINANCIAL SERVICES LLC
(FAIRFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 2010 JD 01554)
(DOCUMENT #28)**

This matter comes before the Court on a Motion to Avoid a Judicial Lien pursuant to 11 U.S.C. Section 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the Motion and other matters of record in this case, the Court finds and concludes:

1. That the Order Confirming the Chapter 13 Plan of the Debtor was filed on 20 March 2015;
2. That the Debtor has been consistent in remitting her Chapter 13 Plan payments;
3. That the Debtor is the owner of certain residential real property situated at 3134 Arborsye Court, Reynoldsburg, Ohio 43068-9102;
4. That the Debtor is entitled to exempt said residential real property under Section 2329.66(A)(1)(b) of the Ohio Revised Code;

5. That the real estate was appraised for an uncontested fair market valuation of \$147,500.00 as of the date of the filing of the bankruptcy -- said written appraisal was filed on 16 January 2015;
6. That the real estate is secured by a first mortgage held by PNC MORTGAGE in the amount of \$177,935.00;
7. That on or about 02 March 2010, Creditor DELL FINANCIAL SERVICES LLC perfected a judicial lien in the amount of \$1,869.79 against the real estate of the Debtor (Fairfield County Court of Common Pleas Case No. 2010 JD 01554);
8. That the Creditor is neither an infant, an incarcerated convict nor an incompetent person;
9. That the right of the Debtor to fully enjoy the benefits of the homestead exemption is impaired by the sum of the judicial lien, all other liens on the real estate, and the amount of the exemption that the Debtor could claim if there were no judicial liens on the real estate clearly exceeds the value that the interest of the Debtor would have been in the absence of any judicial liens; specifically,

1.	The amount of the judicial lien:	\$1,869.79
2.	The amount of the first mortgage:	\$177,935.00
3.	The amount of the impaired exemption:	\$132,900.00
4.	The value of the real estate:	\$147,500.00
10. That the judicial lien of the Creditor will interfere with the ability of the Debtor to obtain a fresh start subsequent to the pending bankruptcy proceeding; and,
11. That consistent with the representations in Official Form 20A that has been filed, appropriate parties of interest have received due notice of the Motion and no party has timely objected to the relief requested in the Motion;

THEREFORE,

IT IS ORDERED that the Motion to avoid the judicial lien of Creditor DELL FINANCIAL SERVICES LLC is granted. Unless the bankruptcy case is dismissed or converted to a Chapter 7, the judicial lien of said creditor is hereby avoided and cancelled as to the real estate described as 3134 Arborsye Court, Reynoldsburg, Ohio 43068-9102;

IT IS SO ORDERED.

APPROVED:

/s/ Mark Albert Herder

Mark Albert Herder (0061503)
Attorney for the Debtor
MARK ALBERT HERDER, LLC
1031 East Broad Street
Columbus, Ohio 43205
Tel.: 614.444.5290
Fax: 614.444.4446
markalbertherder@yahoo.com

Copies to: Default List

Dell Financial Services, C/O Steven Schofield, CEO, PO Box 81585, Austin, TX, 78708-1585

Dell Preferred Account, C/O Steven Schofield, CEO, Payment Processing Center, PO Box 6403, Carol Stream, IL 60197

Javitch, Block & Rathbone, Rep For Dell Financial Services, 140 East Town Street - Suite 1250, Columbus, Ohio 43215

CSC-Lawyers Incorporating Service (Corporation Service Company), Statutory Agent for Dell Financial Services LLC, 50 W. Broad Street, Ste 1800, Columbus, Ohio 43215

In Re: BOWMAN – Case No. 15-50001

#